

GOVERNMENT OF TELANGANA
ABSTRACT

PS – Police Department – Assigning notional seniority to Sri B.Srihari, formerly S.I. of Police (Civil), now Inspector of Police, Hyderabad City on par with 1989 batch S.Is. (Civil) – Orders – Issued.

HOME (SERVICES-II) DEPARTMENT

G.O.MS.No. 69

Dated: 30/10/2015
Read the following:-

1. From the Director General of Police, A.P. Hyderabad Letter Rc.No.851/E1/2005, dated 29.2.2012.
2. Govt. Memo No.4920/Ser.II/A3/2012, dated 12.04.2012.
3. From the Director General of Police, Hyderabad Letter Rc.No.851/E1/2005, dated 16.6.2012 and Lr.No.11/E1/2014, dated 4.9.2014.
4. From Sri B.Srihari, Inspector of Police, Hyderabad City, Representation dated 5.7.2012.
5. From the Director General of Police, Telangana, Hyderabad Letter Rc.No.11/E1/2014, dated 4.9.2015.

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ORDER:

The Director General of Police, A.P. Hyderabad in his letter 1st read above has informed that Sri B.Srihari, S.I. of Police (Civil), Hyderabad attended the recruitment held during the year 1987, but he was not selected as S.I. of Police. He approached the Hon'ble APAT in O.A.No.41188/1991 and the Tribunal in its orders dated 23.12.1992 in O.A.No.1766 of 1990 and batch passed the following orders:-

"The respondent is directed to prepare the provisional selection list for the local candidates for 70% of the vacancies earmarked for each of the six zones and eliminate the non-local candidates from the bottom of the provisional select list and thereby prepare final selection list. After preparing the final selection list of local candidates for each of the six zones, the selection list for the 30% of the vacancies available in the free zone shall be prepared on the basis of merit of the candidates not included in the final selection list of the zones, subject to the rules of communal roster as prescribed under the presidential order. If the said final selection lists are prepared, the position of the petitioners in the final selection lists of non-local candidates will be known and if they come within the range of selection as non-local candidates, they could be given appointment as SI of Police. The above exercise shall be completed within a period of three months from the date of receipt of this judgment".

After prolonged correspondence, the Government have requested the D.G.P., Hyderabad to take immediate necessary action to issue orders appointing Sri B.Srihari and other as S.Is., assigning seniority to them as last candidates of 1991 year batch in Zone-VII, since 1991 year batch of S.Is. have completed training, vide Memo No.7719/Pol.C./A2/94-5, dated 30.06.1994. Based on the above APAT orders and Government instructions, Sri B.Srihari was appointed as S.I. (Civil) on 01.07.1995 and his seniority was fixed as last candidate of 1991 batch S.Is. (Civil).

2. The Director General of Police, A.P. Hyderabad has further informed that the individual has submitted representation dated 21.6.2006 with a request to fix his seniority along with 1989 batch SIs (Civil), the same was considered as per the interim directions dated 23.6.2010 in O.A.No.3914/2010 and disposed off by rejecting his request by the Addl.DGP (Admn.), A.P. Hyderabad vide Procs. Rc.No.851/E1/2010, dated 27.07.2010.

3. Aggrieved with the above, the individual has filed another O.A.No.8892/2010 seeking directions for assigning his notional seniority. The Hon'ble APAT in its orders dated 06.02.2012 have disposed off O.A.No.3914/2010 and 8892/2010 and pronounced a common order, setting aside the impugned orders issued by the Addl.DGP (Admn), A.P. Hyderabad in Rc.No.851/E1/2010, dated 27.7.2010 and directed the respondents to treat the applicant as a last candidate of 1989 batch of direct recruits of S.I. of Police of City and

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he is entitled for all the consequential benefits, including promotion to the next higher category, with the following observations:-

"In the present case also, the selection of the applicant is in pursuance of 1987 notification. Though the order of appointment is given to the applicant by the respondents with a delay, on account of the mistake committed by the respondents themselves, the applicant has to be considered only as a candidate selected in pursuance of the 1987 notification and he is to be considered as 1989 batch of direct recruits of S.I. of Police (Civil) and as a last candidate of 1989 batch of direct recruits".

4. In the reference 3rd read above, the Director General of Police, A.P. Hyderabad who was further consulted in the matter, has informed that the Commissioner of Police, Hyderabad City was instructed to file W.P. against the APAT orders dated 6.2.2012. Accordingly, a W.P.No.311 of 2013 has been filed, the Hon'ble Court in its orders dated 3.4.2013 suspended the orders of the Tribunal dated 6.2.2012, till disposal of the W.P.

5. In the reference 4th read above, the individual has submitted a representation, by explaining mode of his appointment, quoting similar orders of the Government issued in this regard and for the reasons mentioned therein, has requested the Government to assign notional seniority on par with 1989 batch S.Is. (Civil).

6. In the reference 5th read above, the Director General of Police, Telangana, Hyderabad while explaining the entire case of the individual and the orders of the Hon'ble Courts thereon, has informed that the Hon'ble High Court in its orders dated 7.7.2015 have dismissed the W.P.No.311/2013 filed by the Department with one of the observations that there is no justification in denying the seniority as a last candidate of 1989 batch of S.Is. (Civil). Finally, he has requested the Government to pass appropriate orders as deemed fit in the matter.

7. Government after careful examination of the entire matter with reference to the records made available, have observed that due to wrong interpretation of local/ non-local quota, the individual was deprived of his selection as S.I. (Civil) during 1989 batch and the Hon'ble Tribunal issued orders for assigning notional seniority as a last candidate of 1989 batch of direct recruit S.Is. (Civil) with all consequential benefits including promotion to the next higher category etc. which was also upheld by the Hon'ble High Court. Keeping in view the orders of Hon'ble Tribunal, as they attained finality, and the orders of Hon'ble High Court dated 7.7.2015, it has been decided to assign notional seniority in respect of the said individual.

8. Accordingly, Government hereby assign notional seniority to Sri B.Srihari, Inspector of Police, Hyderabad City, as a last candidate of 1989 batch of direct recruit S.Is. (Civil) with all consequential benefits, as per the orders dated 6.2.2012 of APAT in O.A.No.3914/2010 and 8892/2010 and further orders of Hon'ble High Court thereon.

9. The Director General of Police, Telangana, Hyderabad shall take necessary action duly following the provisions of Rule 24 of A.P. State & Subordinate Service Rules, 1996.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

RAJIV TRIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Police, Telangana, Hyderabad.

Copy to:

The individual concerned

through Director General of Police, Telangana, Hyderabad.

The Govt. Pleader for Home (S), Telangana, A.P.A.T., Hyderabad.

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// Forwarded :: by order //

SECTION OFFICER